

# **EXHIBIT I**

OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE  
WASHINGTON, DC

January 13, 2023

Daniel McFadden  
Staff Attorney  
ACLU of Massachusetts  
One Center Plaza, Suite 850  
Boston, MA 02108

Reference: Litigation Civil Action No. 22-cv-11532; ODNI FOIA Case DF-2022-00377

Mr. McFadden,

This is a response provided by the Office of the Director of National Intelligence (ODNI) to your Freedom of Information Act (FOIA) request dated 15 August 2022. Pursuant to the Freedom of Information Act (FOIA), 5 U.S.C. § 552, as amended, you requested:

1. The Alleged Declassification Standing Order;
2. Any written transmittal of the Alleged Declassification Standing Order from the Executive Office of the President of the United States to ODNI; and
3. All records created by ODNI that were declassified pursuant to the Alleged Declassification Standing Order.

The specified time frame for all three requests was January 20, 2017, through January 20, 2021.

This request was processed under the FOIA, 5 U.S.C. § 552, as amended.

In coordination with the Federal Bureau of Investigation (FBI), a federal law enforcement agency, we can neither confirm nor deny whether we possess records responsive to your request pursuant to FOIA Exemption (b)(7)(A) [5 U.S.C. § 552 (b)(7)(A)]. A confirmation that we have or do not have responsive records would be tantamount to acknowledging the existence or nonexistence of aspects of an ongoing investigation that the FBI has not previously acknowledged. The FBI has advised that 1) if the requested records exist, they would be relevant to the FBI's ongoing investigation and 2) confirmation by ODNI as to the existence or nonexistence of such records could reasonably be expected to interfere with the ongoing investigation. Accordingly, ODNI neither confirms nor denies the existence of records pursuant to FOIA Exemption (b)(7)(A) [5 U.S.C. § 552 (b)(7)(A)].

Please direct any further inquiries about this case to Attorney Julia Heiman of the Department of Justice at (202) 616-8480 or via e-mail at [Julia.heiman@usdoj.gov](mailto:Julia.heiman@usdoj.gov).

Although your request is in litigation, the FBI is required by law to provide you the following information:

If you are not satisfied with the Federal Bureau of Investigation's determination in response to this request, you may administratively appeal by writing to the Director, Office of Information Policy (OIP), United States Department of Justice, 441 G Street, NW, 6th Floor,

Washington, D.C. 20530, or you may submit an appeal through OIP's FOIA STAR portal by creating an account following the instructions on OIP's website:

<https://www.justice.gov/oip/submit-and-track-request-or-appeal>. Your appeal must be postmarked or electronically transmitted within ninety (90) days of the date of my response to your request. If you submit your appeal by mail, both the letter and the envelope should be clearly marked "Freedom of Information Act Appeal." Please cite the FOIA Request Number assigned to your request so it may be easily identified.

You may seek dispute resolution services by emailing the FBI's FOIA Public Liaison at [foipaquestions@fbi.gov](mailto:foipaquestions@fbi.gov). The subject heading should clearly state "Dispute Resolution Services." Please also cite the FOIPA Request Number assigned to your request so it may be easily identified. You may also contact the Office of Government Information Services (OGIS). The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-6001, e-mail at [ogis@nara.gov](mailto:ogis@nara.gov); telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

Sincerely,



fb. Gregory Koch  
Chief, Information Management Office  
FOIA Public Liaison